

AMENDED IN SENATE JULY 2, 1999
AMENDED IN SENATE JUNE 21, 1999
AMENDED IN ASSEMBLY MARCH 22, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 132

Introduced by Assembly Member Migden

January 7, 1999

An act to amend Sections 7316, 7396, and 7423 of, and to add Sections 7316.5, ~~7320.5, 7320.6, 7321.1, 7320.6, 7321.2, 7338.1, and 7363~~ and 7338.1 to, the Business and Professions Code, relating to cosmetology, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as amended, Migden. Cosmetology: licensing.

The Barbering and Cosmetology Act provides that it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis without a valid current license, and defines the practice of cosmetology as including specified services.

This bill would provide for licensure under the act of a ~~hair care specialist, as defined, and~~ natural hair braider, as defined. It would specify certain ~~license or~~ certificate fees applicable to ~~those specialties that~~ *speciality*, for deposit into the Board of Barbering and Cosmetology Contingent Fund, which is continuously appropriated. The bill would therefore make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7316 of the Business and
2 Professions Code is amended to read:
3 7316. (a) The practice of barbering is all or any
4 combination of the following practices:
5 (1) Shaving or trimming the beard or cutting the hair.
6 (2) Giving facial and scalp massages or treatments
7 with oils, creams, lotions, or other preparations either by
8 hand or mechanical appliances.
9 (3) Singeing, shampooing, arranging, dressing,
10 curling, waving, chemical waving, hair relaxing, or
11 dyeing the hair or applying hair tonics.
12 (4) Applying cosmetic preparations, antiseptics,
13 powders, oils, clays or lotions to scalp, face, or neck.
14 (5) Hair styling of all textures of hair by standard
15 methods which are current at the time of the hair styling.
16 (b) The practice of cosmetology is all or any
17 combination of the following practices:
18 (1) Shampooing, styling, braiding, singeing, thermal
19 waving, cutting, coloring, bleaching, highlighting,
20 chemical restructuring (permanent waving, chemical
21 straightening, and relaxing), applying styling aids,
22 conditioners, beautifying, or otherwise treating by any
23 means the hair of any person.
24 (2) Massaging, cleaning or stimulating the scalp, face,
25 neck, arms, or upper part of the human body, by means
26 of the hands, devices, apparatus or appliances, with or
27 without the use of cosmetic preparations, antiseptics,
28 tonics, lotions, or creams.
29 (3) Beautifying the face, neck, arms, or upper part of
30 the human body, by use of cosmetic preparations,
31 antiseptics, tonics, lotions, or creams.
32 (4) Removing superfluous hair from the body of any
33 person by the use of depilatories or by the use of tweezers,
34 chemicals, preparations or by the use of devices or



1 appliances of any kind or description, except by the use
2 of light waves, commonly known as rays.

3 (5) Cutting, trimming, polishing, tinting, coloring,
4 cleansing, or manicuring the nails of any person.

5 (6) Massaging, cleansing, treating, or beautifying the
6 hands or feet of any person.

7 (c) Within the practice of cosmetology there exist the
8 specialty branches of skin care, and nail care, ~~hair care~~,
9 and natural hair braiding.

10 (1) Skin care is any one or more of the following
11 practices:

12 (A) Giving facials, applying makeup, giving skin care,
13 removing superfluous hair from the body of any person
14 by the use of depilatories, tweezers or waxing, or applying
15 eyelashes to any person.

16 (B) Beautifying the face, neck, arms, or upper part of
17 the human body, by use of cosmetic preparations,
18 antiseptics, tonics, lotions, or creams.

19 (C) Massaging, cleaning, or stimulating the face, neck,
20 arms, or upper part of the human body, by means of the
21 hands, devices, apparatus, or appliances, with the use of
22 cosmetic preparations, antiseptics, tonics, lotions, or
23 creams.

24 (2) Nail care is the practice of cutting, trimming,
25 polishing, coloring, tinting, cleansing, or manicuring the
26 nails of any person or massaging, cleansing, or beautifying
27 the hands or feet of any person.

28 ~~(3) Hair care is the practice of shampooing, styling,~~
29 ~~braiding, singeing, thermal waving, cutting, coloring,~~
30 ~~bleaching, highlighting, chemical restructuring~~
31 ~~(permanent waving, chemical straightening and~~
32 ~~relaxing), applying styling aids, conditioners, beautifying,~~
33 ~~or otherwise treating by any means the hair on the head~~
34 ~~of any person.~~

35 ~~(4)~~

36 (3) Natural hair braiding is providing a service that
37 results in tension on hair strands or roots by braiding,
38 locking, twisting, wrapping, weaving, extending the hair
39 with or without natural hair or synthetic fibers, or
40 applying cornrows to the hair. That practice may include

1 shampooing, trimming, or singeing the ends of hair to
2 complete the service, applying antiseptics, powders, oil,
3 clays, lotions, or applying tonics to the hair, head, or scalp
4 to condition the hair, the use of tools such as combs,
5 brushes, scissors, or lighters. The practice shall not
6 include the application of glues or adhesives, dyes,
7 reactive chemicals, or other preparations to alter the
8 color or to straighten, curl, or alter the structure of the
9 hair, use of any device, apparatus, appliance, or tool
10 which may otherwise be used for other hair care services
11 and not described herein.

12 (d) Electrolysis is the practice of removing hair from,
13 or destroying hair on, the human body by the use of an
14 electric needle only.

15 “Electrolysis” as used in this chapter includes
16 electrolysis or thermolysis.

17 SEC. 2. Section 7316.5 is added to the Business and
18 Professions Code, to read:

19 7316.5. For purposes of this chapter, “license” means
20 a license or certificate issued by the Barbering and
21 Cosmetology Program.

22 ~~SEC. 3. Section 7320.5 is added to the Business and~~
23 ~~Professions Code, to read:~~

24 ~~7320.5. Persons who are not licensed to perform all of~~
25 ~~the practices of hair care may not represent themselves~~
26 ~~as a hair care specialist.~~

27 ~~SEC. 4.~~

28 ~~SEC. 3.~~ Section 7320.6 is added to the Business and
29 Professions Code, to read:

30 7320.6. Persons who are not certified to perform all of
31 the practices of natural hair braiding may not represent
32 themselves as a natural hair braider.

33 ~~SEC. 5. Section 7321.1 is added to the Business and~~
34 ~~Professions Code, to read:~~

35 ~~7321.1. The board shall admit to examination for a~~
36 ~~license as a hair care specialist any person who has made~~
37 ~~application to the board in proper form, paid the fee~~
38 ~~required by this chapter, and is qualified as follows:~~

39 (a) ~~Is not less than 17 years of age.~~

~~(b) Has completed the 10th grade in the public schools of this state or its equivalent.~~

~~(c) Is not subject to denial pursuant to Section 480.~~

~~(d) Has done any of the following:~~

~~(1) Completed a course in hair care from a school approved by the board.~~

~~(2) Practiced hair care as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in hair care from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).~~

~~SEC. 6.~~

~~SEC. 4.~~ Section 7321.2 is added to the Business and Professions Code, to read:

7321.2. The board shall admit to examination for certification as a natural hair braider any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Is not subject to denial pursuant to Section 480.

~~SEC. 7.~~

~~SEC. 5.~~ Section 7338.1 is added to the Business and Professions Code, to read:

7338.1. Natural hair braider applicants shall take and pass a written examination that shall embrace subjects related to health, safety, sanitation, laws, and regulations as they pertain to natural hair braiding.

The examination shall not be confined to any particular system or method.

~~SEC. 8.~~ Section 7363 is added to the Business and Professions Code, to read:

~~7363. A hair care course established by a school shall consist of not less than 1,100 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. Persons enrolled in a cosmetology course may transfer credits for identical training to this course of study. Credits earned~~

1 ~~in a cosmetology course for skin care and nail care are not~~
2 ~~transferable to this course of study.~~

3 ~~SEC. 9.~~

4 SEC. 6. Section 7396 of the Business and Professions
5 Code is amended to read:

6 7396. The form and content of a license issued by the
7 board shall be determined in accordance with Section
8 164.

9 The license shall prominently state that the holder is
10 licensed as a barber, cosmetologist, esthetician, ~~hair care~~
11 ~~specialist~~, natural hair braider, manicurist, electrologist,
12 apprentice, barber instructor, or cosmetology instructor.

13 ~~SEC. 10.~~

14 SEC. 7. Section 7423 of the Business and Professions
15 Code is amended to read:

16 7423. The amounts of the fees required by this
17 chapter relating to licenses for individual practitioners
18 are as follows:

19 (a) Cosmetologist application, examination, and initial
20 license fee shall be not more than fifty dollars (\$50).

21 (b) Esthetician application, examination, and initial
22 license fee shall be not more than forty dollars (\$40).

23 (c) Manicurist application, examination, and initial
24 license fee shall be not more than thirty-five dollars (\$35).

25 ~~(d) Hair care specialist application, examination, and~~
26 ~~initial license fee shall be not more than fifty dollars (\$50).~~

27 ~~(e)~~

28 (d) Natural hair braider application, examination, and
29 initial certificate fee shall be not more than twenty-five
30 dollars (\$25).

31 ~~(f)~~

32 (e) Barber application, examination, and initial
33 license fee shall be not more than fifty dollars (\$50).

34 ~~(g)~~

35 (f) Electrologist application, examination, and initial
36 license fee shall be not more than fifty dollars (\$50).

37 ~~(h)~~

38 (g) Apprentice application and license fee shall be not
39 more than twenty-five dollars (\$25).

40 ~~(i)~~

1 (h) The license renewal fee for individual practitioner
2 licenses that are subject to renewal shall be not more than
3 fifty dollars (\$50).

4 ~~(j)~~

5 (i) The license renewal delinquency fee shall be 50
6 percent of the renewal fee in effect on the date of
7 renewal, notwithstanding Section 163.5.

8 ~~(k)~~

9 (j) Any preapplication fee shall be established by the
10 board in an amount sufficient to cover the costs of
11 processing and administration of the preapplication.

